

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:07CV262 PS
)	Judge Simon
JUPITER ALUMINUM CORPORATION,)	
)	
Defendant.)	
)	

**JOINT MOTION FOR
ENTRY OF SETTLEMENT AGREEMENT AND AGREED ORDER**

Plaintiffs United States of America on behalf of the U.S. Environmental Protection Agency (“United States”), State of Indiana on behalf of the Indiana Department of Environmental Management (“Indiana”), and the City of Hammond on behalf of the Hammond Department of Environmental Management (“Hammond”) (collectively “Plaintiffs”), and Defendant Jupiter Aluminum Corporation (“Jupiter”), jointly move for entry of the attached Settlement Agreement and Agreed Order. In support of this motion, Plaintiffs and Jupiter (collectively “Parties”) state as follows:

1. Upon notice of the Parties’ probable settlement of all issues currently pending before the Court and in consideration of the Parties’ joint motion for stay, the Court stayed all discovery other than depositions of non-party witnesses, all pending motions, briefing schedules and other proceedings. [Dkt. No. 136]

2. A Settlement Agreement and Agreed Order has now been signed by Jupiter and approved by officials at each of the plaintiff agencies with authority to enter into such an agreement.

3. In accordance with Paragraph 17 of the Parties' Settlement Agreement, Jupiter's Renewed Motion to Modify Consent Decree [Dkt. No. 113] is withdrawn with prejudice. In addition, Hammond's motion for protective order [Dkt. No. 131] and the United States' motion for protective order [Dkt. No. 133] may be dismissed as moot.

4. Moreover, the Court may cancel the hearing previously postponed.

5. To try to avoid the need for Plaintiffs to conduct further enforcement efforts through the use of stipulated penalties or for defendant to seek further invocation of the Court's jurisdiction to resolve disputes, the Parties have begun meeting on a regular basis to attempt to identify, discuss and resolve issues related to Jupiter's compliance with the Consent Decree and Subpart RRR. The Parties have met twice since filing the motion to stay on July 14, 2010. The Parties are scheduled to hold their third such meeting on October 1, 2010.

6. To ensure the enforceability of the Parties' Settlement Agreement, the Parties respectfully request that the Settlement be entered as an Agreed Order.

Accordingly, the Parties jointly move for entry of the attached Settlement Agreement and Agreed Order.

September 13, 2010

Respectfully submitted,

FOR PLAINTIFF UNITED STATES:

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2010, I electronically filed the foregoing document, **JOINT MOTION FOR ENTRY OF SETTLEMENT AGREEMENT AND AGREED ORDER** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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and I hereby certify that on this same day I sent a copy of this same document by United States Postal Service first-class mail, postage prepaid, to the following non CM/ECF participants:

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